

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 2, 4-9, 14 and 40-41 are pending in the application, with claims 1, 40 and 41 being the independent claims. Claims 12, 13, 15 and 16 are withdrawn. Claims 25-39 are cancelled without prejudice to or disclaimer of the subject matter therein. New claims 40 and 41 are added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Restriction Requirement and Election of Species

Applicant reiterates herein the telephonic election of Group 1 and species (b) made on November 4, 2004. Applicant submits that claim 1 is generic to all species, and upon allowance thereof, applicant respectfully requests reconsideration of withdrawn claims 12, 13, 15 and 16 and allowance thereof in accordance with 37 C.F.R. § 1.141 and MPEP § 809.02(c), provided that by Examiner's Amendment or otherwise the dependency thereof is changed to properly depend from claim 1. New claims 40 and 41 also read on elected group.

Rejections under 35 U.S.C. § 112

Claims 1, 2, 4-9 and 14 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite since the phrase "ethyl vinyl acetate" in claim 1 should read "ethylene vinyl acetate." Applicant has amended claim 1 as suggested by the Examiner.

In light of this amendment, Applicant respectfully requests the withdrawal of this 35 U.S.C. § 112 rejection.

Rejections under 35 U.S.C. § 103

Claims 1,2 and 4-9 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,041,319 to Becker *et al.* in view of U.S. Patent No. 4,848,566 to Havens *et al.* and U.S. Patent No. 6,090,479 to Shirato *et al.*

Becker *et al.* particularly teach the use of a polyolefin foamed material, specifically a polyethylene foam with an antistatic additive conventionally known as "pink poly," for protecting components having conductive leads from electrostatic discharge during handling, packaging and shipping of electronic devices and components. As the Examiner indicated, Becker *et al.* do not teach the use of foamed ethylene vinyl acetate and an antistatic agent. Thus, the Examiner combines Becker *et al.* with Havens *et al.*

Havens *et al.* teach the use of an unfoamed layer of ethylene vinyl acetate and an antistatic agent which is blow molded to form an interior surface of a container for storing and transporting electrical components without electrical discharge. However, Havens *et al.* teach against the use of the particular materials and foamed article in the Background of The Invention, where it recites:

One negative feature associated with the use of such internal pads, such as "pink poly" pads is that the anti-blocking or wetting agent used to provide the antistatic effect and to render the pad electrically conductive, may also deteriorate a solid state device.

It has also been found that at elevated temperatures volatiles can be produced in the pink polyethylene foam pad which can corrode a solid state device.

Of course, an additional consideration is the cost of installing these pads

in each container.

It is, therefore, an object of the present invention to provide a means for protecting solid state devices within an electrically conductive container without the need for internal polyethylene foam pads or the like.

Col. 2, line 67-col. 3, line 12. Further in the Detailed Description of the Preferred Embodiments, the specification again teaches against the use of "pink poly" foam:

This invention therefore obviates the need for a separate or discrete antistatic pad such as the "pink poly" antistatic pads conventionally used, and with this avoids the cost of such pads and the cost of properly installing such pads in ESD sensitive device containers, as well as the deteriorating effect of pink poly on ESD sensitive devices stored in such containers.

Col. 7, line 63-col. 8, line 2. The Detailed Description teaches against the use of foam padding in general:

For example, with the use of conventional antistatic foam pads, there is always a possibility of the pad dislodging from the container, and thereby raising the risk of electrostatic damage to the ESD sensitive contents of the container, or requiring the replacement of the pads. Another advantage is the additional space available within the container which would otherwise be occupied with the antistatic pads.

Col. 9, lines 5-12. Since Havens *et al.* teach against the use of a foamed product such as that taught by Becker *et al.*, there would be no motivation to combine the references of Becker *et al.* with Havens *et al.*

Shirato *et al.* teach the use of a slow recovery foam product for various purposes, such as forming sealant between surfaces and other space filling functions. For the same reason, there would be no motivation to combine the teachings of the Shirato *et al.* reference with the Havens *et al.* reference, since, as discussed above, the Havens *et al.* teaches against the use of foam padding, such as that taught by Shirato *et al.*

In light of these remarks, Applicant respectfully requests the withdrawal of this 35 U.S.C. § 103 rejection.

Allow claim 14 and New Claims 40 and 41

Applicant appreciates the Examiner's acknowledgement of the allowable subject matter of claim 14. Applicant respectfully submit that new claims 40 and 41 are also patentable for the same reasons as claim 14, in that they are directed towards protective equipment custom-fitted to a portion of a human body, and not towards storage or transportation of electrical devices without electrical discharge. Thus, Applicant respectfully requests the allowance of claims 40 and 41.

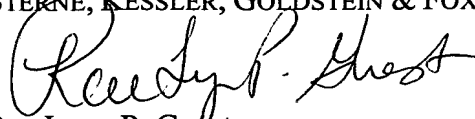
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Rae Lynn P. Guest
Attorney for Applicant
Registration No. 53,482

Date: April 8, 2005

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

372415_1.DOC